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**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA**

JACOB GREGOIRE.

Plaintiff.

V.

CALIFORNIA HIGHWAY PATROL, an agency of the State of California; SERGIO FLORES, and DOES 1 to 20.

Defendants.

CASE NO. 14-cv-1749-GPC (DHB)

**MOTION TO FILE UNDER SEAL
DECLARATION OF ROGER CLARK
IN SUPPORT OF PLAINTIFF'S
OPPOSITION TO DEFENDANTS'
MOTION FOR SUMMARY
JUDGMENT PURSUANT TO LOCAL
RULE 79.2 AND THE COURT'S
PROTECTIVE ORDER**

Pursuant to Local Rule 79.2 and the Protective Order entered in this case on July 30, 2015, the parties jointly submit to the Court this Motion to File Under Seal the following document and all supporting documents:

**DECLARATION OF ROGER CLARK IN SUPPORT OF PLAINTIFF'S
OPPOSITION TO DEFENDANTS' MOTION FOR SUMMARY
JUDGMENT**

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ARGUMENT

In this case, the court ordered that the personnel file of the officer be kept confidential. The parties in this matter agreed to a Protective Order to comply with the rules set forth in the California Government Code as well as the right to privacy of the litigants. The parties then petitioned this Honorable Court to seal certain private matters including but not limited to the personnel file of the defendant officer. On July 30, 2015 the Court set forth a detailed Order (See Exhibit 1) that specified which documents would be held under seal. The Court's order included the complete CHP Personnel File for Defendant Officer Sergio Flores.

The protective order required that if a party seeks to file any of the protected records in support of any future pleadings or motions, the party must first proceed with an application to request that the records be kept under seal under Judge Bartick's Chamber's Rules section V, subdivision A.

The Declaration of Roger Clark in Support of Plaintiff's Opposition to Defendants' Motion for Summary Judgment includes references to information obtained from the sealed documents from Flores' personnel file and includes exhibits which are sealed.

The sensitive information involved in this motion has been ruled on by this honorable Court and conforms with statutory requirements of the California Government Code. The parties had previously agreed that for the purposes of this motion that the sealing of Plaintiff's Opposition to Defendant's Motion for Summary Judgment will not prejudice either party.

A party faced with the disclosure of confidential or proprietary information may seek to file the documents under seal to avoid this exposure. See *Kamakana v. City & Cnty. of Honolulu*, 447 F.3d 1172, 1179 (9th Cir. 2006).

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1 For the reasons contained in this motion, the Declaration of Steve Hoffman, and
2 the attached Protective Order, there is good cause to seal Plaintiff's Opposition to
3 Summary Judgment and all supporting documents.

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5 Respectfully submitted,

6 Dated: January 20, 2016 **THE GILLEON LAW FIRM**

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13 Dated: January 20, 2016 **CASEY GERRY SCHENK**
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